

FILED
IN COMMON PLEAS COURT

2013 FEB 26 AM 10:48

DENISE M. KAMINSKI
CLERK OF COURTS
GEAUGA COUNTY

IN THE COURT OF COMMON PLEAS
GEAUGA COUNTY, OHIO

STATE OF OHIO,

Plaintiff

vs.

THOMAS M. LANE, III,

Defendant

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CASE NO. 12 C 000058

JUDGE DAVID L. FUHRY

WRITTEN PLEA OF GUILTY

I, Thomas M. Lane III, the Defendant in the above-captioned case, hereby state that my counsel has explained to me the facts and circumstances surrounding my plea, and the Court and my counsel have informed me of the charges against me and the penalty provided by law for those charges.

Prior to signing this written plea of "Guilty," I understand that I have the following constitutional rights which I would waive by pleading "Guilty."

I understand that this plea means I give up my right:

- To a jury trial or court trial;
- To question or have my attorney question witnesses against me;
- To use the power of the court to call witnesses to testify for me.

I further understand that:

- I have the right to an attorney and the Court will appoint an attorney to represent me if I cannot afford one;
- At a trial I have the right not to take the witness stand and have no one comment if I decided not to testify;
- At a trial the State would be required to prove my guilt beyond a reasonable doubt on every element of the offense;
- If I was convicted at trial, I would have a right to appeal.

I hereby state that I understand these rights and privileges and the possible consequences of a "Guilty" plea. I hereby waive and reject all of these rights. I am voluntarily pleading "Guilty" of my own free will. I understand that this written plea of "Guilty" constitutes an admission to the crimes which I have been charged. By pleading "Guilty" I admit committing the offenses and may be asked to tell the Judge the facts and circumstances of my guilt.

I am not under the influence of drugs or alcohol. No threats have been made to me. No promises other than those which are part of this plea agreement have been made. I further state that I am a citizen of the United States.

My attorney has explained my right to appeal a maximum sentence, my other limited appellate rights, and that any appeal must be filed within thirty (30) days of the Court's entry of the judgment of my sentence. I know the Judge may either sentence me today or refer my case for a pre-sentence report.

I now withdraw my former "Not Guilty" plea and enter a plea of "GUILTY" pursuant to the following agreement:

The Defendant will plead guilty to **Count 1** of the indictment, to wit:
Aggravated Murder, in violation of **R.C. §2903.01(A)**, an **unclassified felony**.

The Defendant will also plead guilty to the **firearm specification** to Count 1 under to **R.C. §2941.145(A)**. The State will seek leave to dismiss, without prejudice, the specification to Count 1 under R.C. §2929.04(A)(5). At the time of sentencing, the specification will then become dismissed with prejudice.

The Defendant will plead guilty to **Count 2** of the indictment, to wit:
Aggravated Murder, in violation of **R.C. §2903.01(A)**, an **unclassified felony**.

The Defendant will also plead guilty to the **firearm specification** to Count 2, under to **R.C. §2941.145(A)**. The State will seek leave to dismiss, without prejudice, the specification to Count 2 under R.C. §2929.04(A)(5). At the time of sentencing, the specification will then become dismissed with prejudice.

The Defendant will plead guilty to **Count 3** of the indictment, to wit: **Aggravated Murder**, in violation of **R.C. §2903.01(A)**, an **unclassified felony**. The Defendant will also plead guilty to the **firearm specification** to Count 3, under to **R.C. §2941.145(A)**. The State will seek leave to dismiss, without prejudice, the specification to Count 3 under R.C. §2929.04(A)(5). At the time of sentencing, the specification will then become dismissed with prejudice.

The Defendant will plead guilty to **Count 4** of the indictment, to wit: **Attempted Aggravated Murder**, in violation of **R.C. §2923.02(A)**, which conduct, if successful, would constitute a violation of **R.C. §2903.01(A)**, a **felony of the first degree**. The Defendant will also plead guilty to the **firearm specification** to Count 4 under **R.C. §2941.145(A)**.

The Defendant will plead guilty to **Count 5** of the indictment, to wit: **Attempted Aggravated Murder**, in violation of **R.C. §2923.02(A)**, which conduct, if successful, would constitute a violation of **R.C. §2903.01(A)**, a **felony of the first degree**. The Defendant will also plead guilty to the **firearm specification** to Count 5 under **R.C. §2941.145(A)**.

The Defendant will plead guilty to **Count 6** of the indictment, to wit: **Felonious Assault**, in violation of **R.C. §2903.11(A)(2)**, a **felony of the second**

degree. The Defendant will also plead guilty to the **firearm specification** to Count 6 under R.C. **§2941.145(A).**

At sentencing, the State will ask the Court to fashion a sentence that is just and appropriate under the circumstances.

I understand that the maximum penalty as to each count is as follows:

<u>Offense/ Specification</u>	<u>Range of Basic Prison Term (Years/Months)</u>	<u>Firearm Specification</u>	<u>Fine</u>	<u>Mandatory Prison</u>	<u>Presumption for Prison</u>
Agg. Murder (counts 1,2,3)	Life w/parole after 20, 25, or 30 years or life w/out parole	+ 3 years	\$25,000	Yes	---
Att. Agg. Murder (counts 4,5)	3-11 years	+ 3 years	\$20,000	on specs	on counts
Felonious Assault	2-8 years	+3 years	\$15,000	on specs	on count

I understand that restitution, other financial costs, and other consequences: (e.g. license suspension) are possible as follows: restitution.

I am pleading to multiple counts, and understand the Court could run some or all of my sentences consecutively. If the Court should choose to run all my sentences consecutively, the maximum prison term would be life without parole and the maximum fine is \$130,000.


If I am ever released on parole on counts 1, 2 and 3, after prison release, I will have a mandatory five (5) years of post-release control as to counts 4, 5 and 6 only. If I violate post-release control, I could be returned to prison for up to another nine (9) months for each violation, for a total of 50% of my original stated prison term.


I understand for these offenses that I do face mandatory time in prison, and the law does not allow me to apply for a judicial release after a specific length of time served.

Signed and Dated: February 26, 2013


Thomas M. Lane III

I, Ian N. Friedman, Mark R. DeVan, and Anne B. Walton, counsel for the Defendant herein, stipulate to the Court that I witnessed my client sign this WRITTEN PLEA OF GUILTY; that I have reviewed this document with him; that I have reviewed all the consequences of my client changing his plea to "Guilty," and I have, prior to these proceedings, advised my client that he does face a mandatory prison term with this "Guilty" plea.


Ian N. Friedman, Attorney for Defendant


Mark R. DeVan, Attorney for Defendant


Anne B. Walton, Attorney for Defendant

APPROVED BY:


James R. Flaiz, Prosecuting Attorney